

REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance this case to issue without delay.

1. The priority claim acknowledgment in paragraph 13 of the PTOL 3206 form is appreciated.

2. Claim 1 has been amended to define the pivot axis or the articulation of the upper die of the bending press as extending parallel to the lower die between the upper die and a foot of the ram and also close to an upper surface of the plate which is to be bent.

Claims 2, 4 and 10 have been canceled as superfluous and the dependency of claims 3 and 5 have been changed.

3. Original claims 1 and 9 were rejected as anticipated by KRUMHOLZ, patent 5,272,904. Since claim 1 has been amended to include subject matter as to which such a rejection would not lie, the Examiner is requested to withdraw the rejection of claims 1 and 9. Note, in any event, that while articulated joints are described in KRUMHOLZ, there is no way to read claim 1, as amended, on that reference.

4. The claims in the case have been rejected under 35 USC 103(a) as being unpatentable over BELLOMETTI in view of VAN DIJK et al, i.e. as being obvious from these two references in

combination. The claims are directed to a bending press of a particular type, namely, a sword-type of bending press in which a bending ram can press a metal plate against a lower die to bend the plate. BELLOMETTI discloses a bending press and die 13 which has a lower die without an articulation. In fact, in all six references that the Examiner has cited, there is no bending press in which there is an articulation for an upper die.

The Examiner has been forced in framing a rejection here, to resort to VAN DIJK et al which does not disclose a bending press at all, let alone a bending press as set forth in claim 1. It does disclose a sintering press and that sintering press is of entirely different structure. It operates on a stack of foil to bond them together and cannot bend anything. The VAN DIJK reference is as far from the BELLOMETTI reference as one can be and still be in the press field. It is nonanalogous art under the principles of *In re Wood*, 202 USPQ 171. It is not in the bending press field nor does it attack the problem which arises in bending presses.

But if that were not enough to remove VAN DIJK et al as a reference here, note that claim 1 requires that the pivot axis be close to the point of attack of the die upon the workpiece and if there is tilting in VAN DIJK, the axis is not located between the upper die and a ram at all but well in the body of a member on the other side of whatever workpiece might be in VAN DIJK. There is thus no way that VAN DIJK could teach any meaningful structural modification of BELLOMETTI, let alone one which would meet the claims in the case.

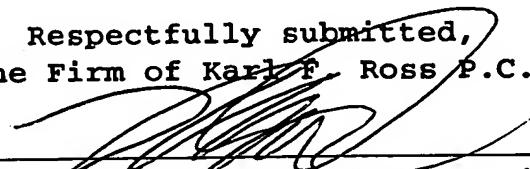
Claims 1-9 are clearly not suggested by a combination of BELLOMETTI with VAN DIJK and that combination itself is not a basis for rejection.

5. Claims 11 and 12 are directed to method, namely, the act of bending the metal plate and the operation of a bending press. VAN DIJK contains nothing which would commend that reference to the attention of one of ordinary skill in the art dealing with bending presses. Claims 11 and 12 are therefore allowable as well.

Since all the claims which remain in the case are allowable, an early Notice to that effect is earnestly solicited.

6. A petition for an automatic three month extension of the term is enclosed together with a charge form for the official fee.

Respectfully submitted,  
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Enclosures: Petition for three-month extension  
Charge form for \$1020.